

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADVANCE MAGAZINE PUBLISHERS INC. d/b/a  
THE CONDÉ NAST PUBLICATIONS,

Plaintiff,

v.

ACTIV8NOW, LLC and ACTIVE8MEDIA, LLC,  
Defendants,

v.

ADVANCE PUBLICATIONS, INC. and RICHFX,  
INC.,

Third Party Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/30/06

CIVIL ACTION NO.:

05-CV-7516 (KMK) (DFE)

~~[PROPOSED STIPULATED]~~  
ADDENDUM TO CASE  
MANAGEMENT PLAN AND  
SCHEDULING ORDER

In accordance with a telephone conference conducted with Magistrate Judge Eaton on March 27, 2006, counsel for the parties hereby agree to the adoption of this [PROPOSED STIPULATED] ADDENDUM TO CASE MANAGEMENT PLAN AND SCHEDULING ORDER with respect to patent claim construction issue identification and briefing preparatory to a Markman Hearing [by order of the Court]:

1. Defendants ACTIV8NOW, LLC and ACTIVE8MEDIA, LLC (collectively, the "Active8 Parties") shall serve their disclosure of asserted patent claims and infringement contentions by April 11, 2006, including an identification of all known products and services alleged to infringe and application of each element of each asserted patent claim against representative samples of each accused product and service.

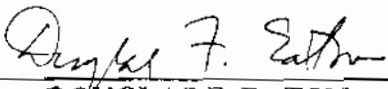
2. Plaintiff ADVANCE MAGAZINE PUBLISHERS INC. d/b/a THE CONDÉ NAST PUBLICATIONS ("Condé Nast"), and third party defendants ADVANCE PUBLICATIONS, INC. ("Advance") and RICHFX, INC. ("RichFX") shall serve their respective disclosure of invalidity contentions by April 25, 2006, including the disclosure of all of the known prior art and other bases on which such contentions are based.

3. The parties shall exchange lists of those patent claim terms that they believe require construction by the Court which contain the parties' respective proposed claim constructions of such terms and include support for such proposed claim constructions by May 1, 2006.
4. The parties shall complete a Joint Claim Construction Statement by May 5, 2006 for submission to the Court no later than May 8, 2006.
5. The Active8 Parties shall serve their initial pre-hearing brief on Markman claim construction issues by May 22, 2006.
6. Plaintiff Condé Nast and third party defendants Advance and RichFX shall serve their respective pre-hearing answering briefs on Markman claim construction issues by June 12, 2006.
7. The Active8 Parties shall serve their reply brief (if any) to the pre-hearing answering briefs of plaintiff and third party defendants by June 19, 2006.
8. Plaintiff Condé Nast and third party defendants Advance and RichFX shall serve their respective sur-reply briefs (if any) to the reply brief of the Active8 Parties by June 26, 2006.

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SO ORDERED

DATED: New York, New York  
March 29, 2006

  
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DOUGLAS F. EATON  
UNITED STATES MAGISTRATE JUDGE